

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

RAYMOND ENGLE,	:	
	:	
Plaintiff,	:	Case No. 3:10cv039
	:	
vs.	:	JUDGE WALTER HERBERT RICE
	:	
MARY WISEMAN, et al.,	:	
	:	
Defendants.	:	

DECISION AND ENTRY OVERRULING PLAINTIFF'S OBJECTIONS (DOC. #6) TO THE REPORT AND RECOMMENDATIONS OF THE UNITED STATES MAGISTRATE JUDGE (DOC. #5); REPORT AND RECOMMENDATIONS ADOPTED; JUDGMENT TO BE ENTERED IN FAVOR OF DEFENDANTS AND AGAINST PLAINTIFF, DISMISSING THIS LITIGATION WITH PREJUDICE; TERMINATION ENTRY

Plaintiff Raymond Engle ("Plaintiff" or "Engle") has filed a lengthy pro se Complaint (Doc. #2), seeking to recover sums from \$1.00 to \$50,000,000.00 from the innumerable individuals named as Defendants herein, alleging that his rights under the United States Constitution were violated by some but not all of the Defendants. This Court referred this matter to United States Magistrate Judge Sharon Ovington. Judge Ovington conducted an initial review of Engle's Complaint (Doc. #2), in accordance with 28 U.S.C. § 1915(e)(2)(B). As a result of that review, the Magistrate Judge has filed a Report and Recommendations (Doc. #5), recommending that this Court dismiss Plaintiff's Complaint for failure to state a

claim upon which relief can be granted and that the Court certify, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from the Court's order dismissing Plaintiff's Complaint would not be taken in good faith.¹

This litigation is now before the Court on the Plaintiff's Objections (Doc. #6) to the Report and Recommendations of the Magistrate Judge. Based upon the reasoning and citations of authority set forth by Judge Ovington in that judicial filing, this Court overrules the Plaintiff's Objections (Doc. #6). This Court also adopts the Report and Recommendations of the Magistrate Judge (Doc. #5). In addition, the Court finds, in accordance with 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith.

Accordingly, the Court directs that judgment be entered in favor of Defendants and against Plaintiff, dismissing this litigation with prejudice.

The captioned cause is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

March 31, 2010

/s/ Walter Herbert Rice

WALTER HERBERT RICE, JUDGE
UNITED STATES DISTRICT COURT

¹ Judge Ovington also recommended that the Court overrule the Plaintiff's Petition for Writ of Mandamus (Doc. #4), as moot. This Court does not rule on Engle's request for mandamus, given that the Petition filed herein is merely a copy of such a Petition that Plaintiff filed in the Sixth Circuit. Parenthetically, the Sixth Circuit denied Engle's request for such relief by Order filed on March 23, 2010. *See In re Engle*, Case No. 10-3190 (6th Cir.).

Copies to:

Counsel of Record.